

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 18020 of 2003

with

Special Civil Application No. 6443 of 1996

with

Special Civil Application No. 15564 of 2004

with

Special Civil Application No. 8867 of 1998

with

Special Civil Application No. 16797 of 2003

with

Special Civil Application No. 6205 of 2004

with

Special Civil Application No. 12841 of 2004

with

Special Civil Application No. 11735 of 2004

with

Special Civil Application No. 11959 of 2004

with

Special Civil Application No. 17384 of 2004

with

Special Civil Application No. 8872 of 1993

with

Special Civil Application No. 13596 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals?

RAJMOTI GYMKHANA PVT. LTD. & Others.

Versus

COMMISSIONER OF POLICE & Others.

Appearance:

Mr. AR Majmudar, Mr. PK Parekh, Mr. JS Jadav, Mr. Atul A. Pandya, Mr. Samir Dave, Mr. VK Joshi, Mr. PS Gondaliya, advocates for petitioners.

Mr. PD Bhate, AGP for respondents in SCAs No. 18020/2003, 6443/1996, 15564/2004, 8867/1998, 16797/2003 and 6205 of 2004.

Mr. MR Mengdey, AGP for Respondent/s in SCAs No. 12841/2004, 11735/2004, 11959/2004, 17384/2004 8872/1993 and 13596/2004.

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 14/12/2004

ORAL COMMON JUDGEMENT

Heard the learned advocates appearing on behalf of the petitioners and Shri PD Bhate and Shri MR Mengdey, learned AGPs appearing on behalf of the respondents.

2. All the petitioners, namely the Club, the Gymkhana and the Directors concerned have presented these petitions asking for the principal prayer for issuance of a writ of mandamus and/or any other appropriate writ, order, or direction restraining the respondents, their agents and servants not to interfere in the game of rummy being played by the members of the Club/Gymkhana within the Club/Gymkhana premises.

3. Learned advocates appearing for the petitioners have placed reliance upon the judgment of the Hon'ble Supreme Court of India in the case of The State of Andhra Pradesh Vs. Satyanarayan and Others, reported in AIR 1968 S.C. 825, and have submitted that the game of Rummy is mainly a game of skill and it is not entirely a game of chance and therefore game of Rummy is outside the purview of the word "Gambling" and therefore the said game cannot be said to be an offence under the Bombay Prevention of Gambling Act, 1887. The petitioners have also relied upon the judgment and orders passed by the learned Single Judge of this Court in Special Civil Application No. 5474 of 1997 and Special Civil Application No. 8053 of 1997, by which, this Court, while allowing the identical petitions, has directed the respondents therein not to interfere with the game of 'Rummy' being played by the members of the Club/Gymkhana

in their Club/Gymkhana premises.

4. Considering the Judgment of the Hon'ble Supreme Court in the aforesaid case and also the judgment and orders passed by the learned Single Judge in the aforesaid two Special Civil Applications, having regard to the contentions coming from the learned advocates appearing on behalf of the petitioners and the say of the Hon'ble Supreme Court in the case of The State of Andhra Pradesh (Supra), it appears that the present petitions require a recognition and the Rule requires to be made absolute. I, therefore, order accordingly and direct that the respondent/s shall not interfere with the game of Rummy being played by the members of the respective petitioners Club/Gymkhana in their Club/Gymkhana premises. These orders shall never preclude the concerned respondent or the officers working under them from taking appropriate action under appropriate provisions of the relevant law and the rules, if it is found that the member or members of the Club are playing any other game which could be said to be objectionable or prohibited under the law or the rules. It is also further clarified as it is agreed by the respective petitioners that if any of the petitioners requires any licence for running the Club/Gymkhana the concerned

petitioner shall have to obtain the same. Rule is made absolute in each of the petition to the aforesaid extent with no order as to costs.

[M.R. Shah, J.]

rnr.